

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 189

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RICHARD CHAO

Junior Party,
(Patent No. 5,568,207)¹

v.

TOSHIKAZU IWAMOTO

Senior Party.
(Application 08/655,828)²

Patent Interference No. 104,051

Before SCHAFER, BARRETT and LEE, Administrative Patent Judges.

¹ Based on application 08/554,854, filed November 7, 1995. The real party in interest is Contour Optik, Inc.

² Filed May 31, 1996. Accorded the benefit of Japanese application 07-156,856, filed May 31, 1995, and Japanese application 08-153,172, filed May 24, 1996. The real party in interest is Asahi Kogaku Kogyo Kabushiki Kaisha. See Paper 129.

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LEE, Administrative Patent Judge.

JUDGMENT

The parties have filed a joint request for entry of adverse judgment, pursuant to 37 CFR § 1.662, against senior party Iwamoto. (Paper No. 187). The parties have also filed a settlement agreement and a joint request under 37 CFR § 1.666(b) to keep the settlement agreement separate from the file of the interference. (Paper No. 188).

The joint request to keep the settlement agreement separate from the file of the interference pursuant to 37 CFR § 1.666(b) is granted.

The joint request for entry of adverse judgment against senior party Iwamoto is granted.³

It is

ORDERED that judgment as to the subject matter of both counts 1 and 2 is herein entered against the senior party TOSHIKAZU IWAMOTO;

FURTHER ORDERED that the senior party TOSHIKAZU IWAMOTO is not entitled to its application claims 1, 3, 4, 14, 21, 22

³ An order dated April 7, 2000, dismissed all then pending motions of both parties.

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and 27-29 which correspond to count 1; and

FURTHER ORDERED that the senior party TOSHIKAZU IWAMOTO
is not entitled to its application claims 7-9, 15-18, 23-26,
30 and 31-47 which correspond to count 2.

Richard E. Schafer)
Administrative Patent Judge)

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Lee E. Barrett)
Administrative Patent Judge)

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Jameson Lee)
Administrative Patent Judge)

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BOARD OF PATENT
APPEALS
AND
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By Facsimile and Federal Express
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